

Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Ratliff
Harrington	Schwartz
Harris	Sherman
Herring	Snelson
Hightower	Wallace
Jordan	Watson
Kennard	Wilson
Kothmann	Word

Absent—Excused

Bridges

A quorum was announced present.

Morning Call Dispensed With

On motion of Senator Grover and by unanimous consent, the Morning Call was dispensed with.

Senate Bill 346 on Third Reading

The President laid before the Senate on its third reading and final passage:

S. B. No. 346, A bill to be entitled "An Act providing for the legal sale of mixed beverages on a local option basis; providing for the regulation of the sale and service of certain alcoholic beverages; providing penalties; etc.; and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—22

Bates	Herring
Bernal	Jordan
Blanchard	Kennard
Brooks	Kothmann
Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman
Hall	Schwartz
Harrington	Snelson
Harris	Wilson

Nays—7

Aikin	Sherman
Beckworth	Watson
Hightower	Word
Ratliff	

Paired—2

Bridges	Wallace
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PAIRED

Senator Wallace (present), who would vote "Nay," with Senator Bridges (absent), who would vote "Yea."

Adjournment

On motion of Senator Aikin the Senate at 1:55 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 22, 1971.

FORTY-FIRST DAY

(Monday, March 22, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 18, 1971, was dispensed with and the Journal was approved.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 95, Commending Mrs. Georgiana Ruth Kennedy Sims.

H. B. No. 493, A bill to be entitled "An Act relating to an increased maintenance tax in certain school districts; amending Section 1, Chapter 63, Acts of the 60th Legislature, Regular Session, 1967 (Article 2784e-8, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act renaming Lamar State College of Technology as Lamar University; amending Chapter 403, Acts of the 51st Legislature, Regular Session, 1949 (Article 2637a et seq., Vernon's Texas Civil Statutes), by adding a Section 1a; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Blanchard submitted the following reports for the Committee on Insurance:

C. S. S. B. No. 10 (Adversely) (Read first time).

S. B. No. 356 (Adversely).

Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 343 (Amended).

Senator Bates submitted the following reports for the Committee on Transportation:

S. B. No. 351 (Amended).

S. B. No. 516.

S. B. No. 476.

S. B. No. 350.

S. B. No. 349.

(President in Chair.)

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committee indicated:

H. B. No. 590, To Committee on Education.

H. B. No. 493, To Committee on Education.

House Bill 343 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 343 was ordered not printed.

Minority Report on Senate Bill 10

We, the following members of the Insurance Committee, do hereby give notice under Senate Rule 104 of a favorable minority report for C. S. S. B. No. 10, as amended and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

MAUZY
WALLACE
BROOKS

Senate Resolution 759

Senator Snelson offered the following resolution:

Whereas, The distinguished Speaker of the House of Representatives, the Honorable Gus Mutscher and his beautiful wife, Donna, have been blessed by the birth of an outstanding new Texan, Gus Hurley Mutscher, who arrived this morning at 8:12 a.m. and weighed 8 lbs. 10 ozs.; and

Whereas, This bouncing baby boy has already manifested the tenacious will of his father in vocally giving notice of his presence in the world; and

Whereas, It is the desire of the Senate to proclaim its esteem and affection for this couple and for this new Texan; now, therefore, be it

Resolved by the Senate of the 62nd Legislature, That Gus and Donna Mutscher be congratulated on the arrival of their fine son, Gus Hurley Mutscher and that best wishes be extended to him for a long, healthy, happy life.

SNELSON
MOORE

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Koth-

mann, Mauzy, McKool, Patman, Ratliff, Schwartz, Sherman, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Snelson the resolution was adopted.

Senate Bills on First Reading

Senator Aikin moved that Senate Rule 108 and Section 5 of Article III of the State Constitution be suspended to permit the introduction of the following bills:

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The following bills were then introduced, read first time and referred to the Committee indicated:

By Senators Hightower and Sherman:

S. B. No. 877, A bill to be entitled "An Act relating to the collection of delinquent ad valorem taxes on real property; and declaring an emergency."

To Committee on State Affairs.

By Senator Jordan:

S. B. No. 878, A bill to be entitled "An Act relating to reports on the employment of the handicapped; and declaring an emergency."

To Committee on Labor and Management Relations.

By Senator Snelson:

S. B. No. 879, A bill to be entitled "An Act declaring the public policy of the State of Texas; invalidating provisions for indemnity in certain contracts where there is negligence attributable to the indemnitee; defining terms; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Creighton:

S. B. No. 880, A bill to be entitled "An Act relating to the election of trustees in certain independent school districts; and declaring an emergency."

To Committee on County, District and Urban Affairs.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 86.

H. C. R. No. 88.

H. B. No. 183.

H. B. No. 258.

H. C. R. No. 53.

S. B. No. 333.

S. C. R. No. 58.

House Bill 493 Re-Referred

On motion of Senator Patman and by unanimous consent, H. B. No. 493 was withdrawn from the Committee on Education and re-referred to the Committee on County, District and Urban Affairs.

Committee Substitute Senate Bill 86 on Second Reading

The President recognized Senator Hall for a motion.

Question—Shall C. S. S. B. No. 86 be Laid on the Table Subject to Call?

Senator Hall moved to withdraw his motion to Lay C. S. S. B. No. 86 on the Table Subject to Call.

Senator Moore made the substitute motion that C. S. S. B. No. 86 be Laid on the Table.

Question on the motion to Lay C. S. S. B. No. 86 on the Table, "Yeas" and "Nays" were demanded.

The motion to Lay C. S. S. B. No. 86 on the Table was lost by the following vote:

Yeas—4

Bates	Herring
Creighton	Moore

Nays—27

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Hightower	Word
Jordan	

Question recurring on the motion to withdraw the motion that C. S. S. B. No. 86 be Laid on the Table Subject to Call, the motion to withdraw prevailed.

The President laid before the Senate on its second reading and passage to engrossment C. S. S. B. No. 86.

Question—Shall C. S. S. B. No. 86 be passed to engrossment?

Senator Connally offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 86, First Printing, by deleting "legislator, elected official, or" on line 37, page 2, and by deleting "a state agency" and substituting therefor "the state agency in which such officer serves." on line 42, page 2.

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 86, First Printing, by adding the following on line 10, page 3:

"If the Internal Revenue Service grants an extension of time for filing a Federal Income Tax Return to a person required to file his Federal Income Tax Return under this subsection, such person shall not be required to file his Federal Income Tax

Return with the clerk of the Supreme Court until the expiration date of such extension. Notice of the grant of an extension and the date of expiration of the extension must be filed with the clerk of the Supreme Court."

The amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Amend C. S. S. B. No. 86 by adding a subsection (k) at the end of Section 3 to read as follows:

"(k) All political candidates for positions and offices covered by this act shall file with the Secretary of State a financial statement which shall be a public record covering sources of income; all acquisitions, investments, and divestments obtained or consummated during the preceding calendar year of the individual filing the statement, and his spouse, and shall be in the form prescribed in subsection (j) of this section. The financial statement shall be filed within fifteen (15) days after the filing deadline for the election in which the individual is a candidate."

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 86, First Printing, by adding the following on line 43, page 3:

"An attorney who is required to file this financial statement shall designate clients who have paid him fees in excess of \$100 for legal work done in relation to marital affairs or adoption proceedings as 'Domestic Legal Services.' Such clients' names shall not be revealed."

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 86, First Printing, by deleting "Chief Justice" on line 10, page 5, and substituting therefor "Presiding Judge."

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend C. S. S. B. 86, Section 9, by adding a new subsection, to be numbered subsection "9(e)," to read as follows:

"(e) the commission shall have the power, after notice, public hearing, and evidencing its intention by adoption of a resolution by a majority vote of the members of the commission, to exclude from coverage under or the requirements of sections 3(i) and 3(j) those officers and elected officials receiving salary or compensation in an amount less than that then currently authorized by law for members of the legislature."

The amendment was read.

On motion of Senator Patman and by unanimous consent, the amendment was withdrawn.

Senator Hall offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 86, First Printing, by adding "subsection," between "sentence," and "part," on line 20, page 7.

The amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Moore and Creighton asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Committee Substitute Senate Bill 86 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 86 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Beckworth
Bernal	Bridges

Brooks	Mauzy
Christie	McKool
Connally	Patman
Grover	Ratliff
Hall	Schwartz
Harrington	Sherman
Harris	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	Word
Kothmann	

Nays—4

Bates	Creighton
Blanchard	Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Jordan
Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Nays—3

Bates	Moore
Creighton	

Report of Standing Committee

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 493 (Floor Report).

Message From the House

Hall of the House of Representatives,

Austin, Texas,
March 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 60, Memorializing the brave Americans and Texans who have given their lives for their country in Vietnam.

S. C. R. No. 61, Requesting the return of House Bill No. 3.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 75 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 75, A bill to be entitled "An Act relating to qualifications of members of the Banking Section of the Finance Commission of Texas; etc., and declaring an emergency."

The bill was read second time.

Senator Watson offered the following Committee Amendment to the bill:

Amend Senate Bill 75 by deleting Section 1 and substituting the following in lieu thereof:

Section 1. Article 4, Subchapter I, Texas Banking Code of 1943, as amended (Article 342-104, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 4. FINANCE COMMISSION — SECTIONS — QUALIFICATION OF MEMBERS

"Four (4) members of the Banking Section shall be active bankers who shall have had not less than five (5) years executive experience next preceding their appointment in a state bank in a capacity not lower than cashier. Two (2) members of the Building and Loan Section shall be practical building and loan executives who shall have had not less than five (5) years full time employment experience in a State Building and Loan or Federal Savings and Loan Association in a capacity not lower than secretary next preceding their appointment. Provided that experience as Commissioner, Deputy Commissioner, Departmental Examiner, or Examiner shall be deemed banking experience, and experience as Building and Loan Supervisor or Building and Loan Examiner shall be deemed building and loan experience, within the meaning of this Article. The Banking Section shall at all times include four (4) members, each of whom, at the time

of his appointment, is an officer in a state bank which falls within one of the four (4) quartiles of the total number of state banks, according to and measured by the capital, certified surplus and undivided profits of such banks as of the last statement of condition published pursuant to the Commissioner's call in the year previous to the year in which the appointments are made. Each quartile shall at all times be represented by one member on the Banking Section who, at the time of his appointment, is an officer in a state bank within such quartile, and each member shall continue to serve from his respective quartile throughout his term of office notwithstanding any adjustment of his bank's capital, certified surplus and undivided profits subsequent to the date of the appointment. The Commissioner shall divide the total number of state banks with as near an equal number of banks as mathematically possible being placed in each quartile and advise the Governor which state banks fall within each of the four (4) quartiles prior to any appointments of banker members of the Commission. The Building and Loan Section shall at all times consist of one (1) member who is a full time employed executive in a state association which, at the time of his appointment, had gross assets not exceeding Twenty Million Dollars (\$20,000,000). Two (2) members of the Building and Loan Section shall be selected by the Governor upon the basis of recognized ability."

The Committee Amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 75 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin
Bates

Beckworth
Bernal

Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word
Kennard	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 22, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 126, A bill to be entitled "An Act relating to filing for the office of trustee of an independent school district with the secretary of the board of trustees in districts having a scholastic population of 150 or more; amending Subsections (b) and (c), Section 23.03, Texas Education Code; and declaring an emergency."

H. B. No. 226, A bill to be entitled "An Act authorizing cities of more than 250,000 population according to the last preceding federal census to expend money, not exceeding one percent of the city's general fund budget, for advertising the city and promoting its growth and development and providing for the creation and operation of a City Board of Development; and declaring an emergency."

H. B. No. 113, A bill to be entitled "An Act relating to the protection of persons who file a claim or aid in filing a claim or testimony at hearings concerning a claim under the Texas Workmen's Compensation Act; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Memorial Resolutions

S. R. No. 752—By Senator Hightower: Memorial resolution for Dr. James Sidney Stanley.

S. R. No. 756—By Senator Creighton: Memorial resolution for Joe A. Clarke.

Welcome and Congratulatory Resolutions

S. R. No. 753—By Senator Snelson: Extending congratulations to Gary Couples.

S. R. No. 754—By Senator Creighton: Extending welcome to Springtown, Texas Camp Fire Girls.

S. R. No. 755—By Senator Creighton: Extending congratulations to Texas Christian University Basketball Team, 1971, Southwest Conference Champions.

S. R. No. 757—By Senator Hightower: Extending congratulations to Notre Dame High School, Wichita Falls.

S. R. No. 758—By Senator Watson: Extending congratulations to Dr. Aubrey L. Goodman (Amended).

S. R. No. 760—By Senator Watson: Extending welcome to Thomas Cox.

S. R. No. 761—By Senator Word: Extending welcome to teachers and students, Burleson High School.

S. R. No. 762—By Senator Schwartz: Extending welcome to Tom Alpert and Arthur Alpert.

S. R. No. 763—By Senator Watson: Extending welcome to the Honorable Stanley Kacir.

Adjournment

On motion of Senator Aikin the Senate at 12:32 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

March 22, 1971

S. B. No. 333.

S. C. R. No. 58.